

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

INSTITUTE FOR DISABILITIES  
RESEARCH AND TRAINING, INC.

Plaintiff

v.

WAL-MART STORES, INC.

Defendant

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Case No. 05-176-GMS

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**MOTION FOR ENLARGEMENT OF TIME**

Institute for Disabilities Research and Training, Inc., Plaintiff in the above-captioned case, in accordance with Federal Rule of Civil Procedures 6(b) moves to enlarge the time to file a Motion to Amend or Alter Judgment in the above-captioned case, to thirty (30) days from the date of the Judgment of September 25, 2007 and for cause states as follows:

1. That the Plaintiff believed and had reasonable basis to believe that the parties would reach an agreement on the monetary amount that was described by and included within the Court's Judgment of September 25, 2007.

2. That the Plaintiff had seasonably contacted the Defendant to discuss the monetary amount, had provided documentation of the monetary amount and had reason to believe that the Defendant would agree to its payment without the need to amend or alter the Court's Judgment of September 25, 2007 to include a specific monetary amount; i.e. monetary judgment.

3. That the Plaintiff discussed this matter with counsel for the Defendant on October 3, 2007 and was advised that the amount reiterated and stated in a written memorandum of the discussion would be passed on to Wal-Mart and the Plaintiff would be advised of Wal-Mart's response. (See Exhibit 1 of Motion to Alter or Amend Judgment, Alternatively, For Relief from Judgment.)

4. On October 10, 2007, the Plaintiff contacted the Defendant by written letter and in relevant part requested the Defendant to advise the Plaintiff as to its response to the letter of October 3, 2007 stating:

Please let me know as soon as possible because if I need to do so, I will file a motion under Rule FRCP 6(b)(2) and 59(e) to request the court to amend the Judgment to a monetary judgment for enforcement; or alternately, under FRCP60(b) for Relief of Judgment. I hope that will not be necessary. (A redacted copy of the letter is attached as Exhibit 1 hereto.)

5. On October 17, 2007, Plaintiff's counsel contacted counsel for Wal-Mart and left a recorded message for Wal-Mart's counsel to advise Plaintiff as to the status of this matter. (See attached Affidavit.)

6. On October 19, 2007, a recorded message from counsel for Wal-Mart was received which, in relevant part, stated that Wal-Mart had not responded to its counsel, counsel for Wal-Mart had a meeting with representatives from Wal-Mart and was waiting for a response. (See attached Affidavit.)

7. As of October 24, 2007, there have been no further responses from Wal-Mart or its counsel.

WHEREFORE, Plaintiff moves for an extension of time of thirty (30) days to file  
a Motion to Amend or Alter Judgment under Federal Rules of Civil Procedure 59.

**MORRIS JAMES LLP**



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DATED: October 25, 2007